

***Remarks***

Reconsideration of remaining claims 1-4, 7-15 and 18-27 is respectfully requested.

In the Office action dated March 18, 2003 (application Paper No. 8), the Examiner issued a Final rejection of the above-cited claims under 35 USC § 103(a) as being unpatentable over US Patent 6,366,575 (Barkan et al.) in view of US Patent Re. 37,001 (Morganstein et al.), both references of record from the previous action.

Regarding the rejection of independent claims 1 and 13, the Examiner cited Barkan et al. as teaching: “receiving a call set up request responsive to the subscriber premises (col. 1, lines 18-29), said gateway being connected to the subscriber premises via a data network (col. 3, lines 47-55)”, “sending a query to the call center (col. 5, lines 26-39)”, “preparing a call set up instruction for setting up the call between the subscriber premises and the call center (col. 6, lines 6-19) if an availability reply is received from the call center (col. 5, lines 59-66)” and “estimating a time-in-queue (col. 5, lines 15-20) for the call center to be available to receive the call and preparing a call queue status message for delivery to the gateway (col. 3, lines 58-67, col. 4, lines 56-61, col. 5, lines 27-37, line 53 to col. 6, line 19, col. 6, lines 52-55)”.

The Examiner went on to state that “Barkan et al. did not specifically teach the reception of an unavailability reply from the call center. However, Morganstein et al. taught the reception and use of unavailability replies (col. 4, lines 63-67, col. 6, lines 2-13) in their disclosure....It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Barkan et al and Morganstein et al because Morganstein et al’s use of an unavailability reply helps Barkan et al’s system from overloading the queues and incoming traffic and further provide the customers with alternate services”.

In response, applicants assert that Barkan et al. discloses a patentably distinct arrangement where an individual is sent a specific message when a call center agent is “available”, and further instructing the individual to immediately place a call to that agent, thus improving the chances that the call will go through before another individual

reaches the “free” call center agent. See, for example, Barkan et al. at column 1, beginning at line 26, where it states: “The call router identifies an available agent station, and signals are sent to establish a telephone call *from* the outside telephone *to* the available agent” [emphasis added]. As further stated at column 2, beginning at line 48, “a call is not made until a ready agent is found, reducing telephone charges for the outside telephone user”. FIG. 4 illustrates an exemplary web page that includes a “connect to agent” link 40, which an individual may “click” to launch a call to the call center.

In contrast, in the arrangement and method of the present invention, information regarding a “time-in-queue” is sent to an individual via a data connection, and when/if an agent is or becomes available, the agent is instructed to place/”initiate” the call to the individual’s telephone number as used in the original request message. The Examiner is referred to the specification at page 10, lines 14-20, which states: “at step 460, the user enters (i) a toll-free telephone number to the telephone number entry web page to place a call to an agent at call center 70, and (ii) a telephone number, such as the telephone number of telephone 10, at which the user wishes to receive the call from the agent at call center 70”.

Independent claims 1 and 13 have been amended to clearly define the ultimate call as being “initiated” by the call center, the call then placed by the call center to the “subscriber premises”. As stated above, Barkan et al. does not disclose or suggest such an arrangement. Barkan et al. relies on the individual to monitor the call queue conditions and decide for him/herself when to initiate a call from the “outside” telephone to the call center – where the call may still not be completed if another call has been first answered by an available agent. In contrast, the method and arrangement of the present invention relies on the “available agent” to place the call to the individual.

The combination of Barkan et al. and Morganstein et al., it is asserted, still lacks any teaching of relying on a call center agent to initiate the contact with an individual who has requested a telephone call with a particular call center. Thus, applicants assert that independent claims 1 and 13, as amended, are allowable over this cited combination of references. Applicants further request that remaining dependent claims 2-4, 7-12, 14-15 and 18-27 similarly be found to be in condition for allowance.

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Applicants believe that the case, in its present form, is in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. If for some reason or other the Examiner does not believe that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,

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Date: 7/10/03